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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,548	09/19/2003	James A. Kunz	QN1062.US	4294

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EXAMINER

NGUYEN, LONG P

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,548

Applicant(s)

KUNZ, JAMES A.

Examiner

Long P. Nguyen

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/3/2007
10/17/2006 05/15/2006 10/26/2004.

DETAILED ACTION

Claim Objections

1. Claims 1-14 are objected to because of the following informalities: Claims 1-14 recites BB_SCs, BB_SCr and R_RDYs which is undefined thus the examiner interpretation is indicate in the office action. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu et al. (US 6,785,241, Hereinafter, Lu).

As for claim 1, Lu shows comparing received frame count and a first programmed counter value (**Col. 6 line 6-16**) when BB-SCs are received (**Col. 5 line 1-5, Col. 6 line 51-55, NOTE: SOFA**); loading the difference between the programmed counter value (**Col. 6 line 20**) and the received frame count into a buffer (**Col. 6 line 6-8**) and to a first counter that counts each frame that is transmitted (**Col. 6 line 6-9, e.g. BB_Credit_CNT**); and sending BB-SCs to the local device if there is a match between

the first counter value and a second programmed counter value (**Col. 6 line 20-24, Col. 6 line 30-32**).

As for claim 2, Lu shows the first and the second programmed counter values are the same (**Col. 6 line 21-23**).

As for claim 3, Lu shows a number of buffer credits lost are determined by the difference between the first and the received frame count (**Col. 6 line 6-20**).

As for claim 4, Lu shows a first counter for counting received frames (**Col. 6 line 6-16**); a first programmable counter that is programmed with a value (**Col. 6 line 9, e.g. BB_CREDIT_CNT**); a comparator for comparing the first counter and the first programmable counter value when BB SCs are received (**Col. 6 line 21-23**); and a second counter for counting transmitted frames (**Col. 9 line 15**).

As for claim 5, Lu shows a second programmable counter whose value is compared to the second counter and if there is a match between the two values, BB-SCs are sent to the local device (**Col. 9 line 9-25**).

As for claim 6, Lu shows the difference between the first counter value and first programmable counter value is loaded into a buffer (**Col. 9 line 3-5**) and sent to the second counter that counts transmitted frames (**Col. 9 line 20-26**).

As for claim 7, Lu shows credit recovery of lost R RDYs in an in-line credit extender coupled between a remote device and a local device, comprising: counting received R RDYs (**Col. 7 line 35-40**), wherein a first counter counts the received R RDYs (**Col. 7 line 35-40**); setting a flag when a BB SCr (**Col. 7 line 35-40, e.g. R_RDY**) is received (**Col. 7 line 45-47, note: clearing acknowledge from a buffer is setting**

the flag); and transmitting BB-SCr when the first counter value is zero (Col. 7 line 49-51) and the flag is set (Col. 7 line 45-47, note: clearing acknowledge from a buffer is setting the flag).

As for claim 8, Lu shows counting R RDYs after BB SCrs are received, wherein a second counter counts the R RDYs **(Col. 7 line 35-40)**; and transmitting R RDYs when the second counter value is non-zero **(Col. 7 line 39-56)**.

As for claim 9, Lu shows the first counter value is decreased every time an R_RDY is transmitted **(Col.5 line 35-36)**.

As for claim 10, Lu shows wherein the flag is cleared after a BB SCr is transmitted **(Col. 7 line 45-49)**.

As for claim 11, Lu shows wherein the second counter is decremented every time an R_RDY is transmitted **(Col. 7 line 45-49)**.

As for claim 12, Lu shows credit recovery of lost R_RDYs in an in- line credit extender coupled between a remote device and a local device, comprising: a first counter for counting received R_RDYs **(Col. 8 line 51-54)**; a second counter for counting R RDYs received after BB SCrs are received **(Col. 8 line 58-60)**; and a R RDY control module that transmits R_RDYs when the first counter value is non-zero **(Figure 4)**.

As for claim 13, Lu shows a register that sets a flag when a BB_SCr is received **(Col. 7 line 35-40, e.g. R_RDY) is received (Col. 7 line 45-47, note: clearing acknowledge from a buffer is setting the flag)**; and a BB-SCr control module that transmits BB_SCrs when the first value is zero **(Col. 7 line 49-51)**.

As for claim 14, Lu shows wherein the first and second counter flip based upon when an R_RDY is received (**Col. 9 line 48-60**).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long P. Nguyen whose telephone number is (571)-272-9740. The examiner can normally be reached on Monday - Thursday 7:30 - 5:00 EST Alternate Friday 7:30-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Long Nguyen


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